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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 DEXTER LAWRENCE GRIFFIN,

12 Petitioner,

13 v.

14 BRANDON PRICE,<sup>1</sup>

15 Respondent.  
16

No. 2:20-cv-0304 KJN P

ORDER

17 Petitioner is housed at the Coalinga State Hospital, and is proceeding pro se. He filed an  
18 application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to  
19 proceed in forma pauperis pursuant to 28 U.S.C. § 1915. However, the petition was not signed by  
20 petitioner. Rather, petitioner typed his name. Parties proceeding without counsel are required to  
21 sign all pleadings, motions, and other papers submitted to the court for filing. Fed. R. Civ. P.  
22 11(a). Thus, the court is unable to consider the petition unless petitioner signs and re-files the  
23 amended petition.

24 In addition, petitioner did not file his petition on the form used by this district. The Clerk  
25 of the Court is directed to send petitioner the form for filing a petition for writ of habeas corpus  
26 under 28 U.S.C. § 2254.

27  
28 <sup>1</sup> Brandon Price, Executive Director of Coalinga State Hospital where petitioner is presently  
housed, is substituted as the proper respondent in this action. Fed. R. Civ. P. 25(d).

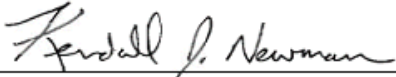
1 On December 4, 2019, petitioner submitted a signed application to proceed in forma  
2 pauperis under 28 U.S.C. § 1915. Examination of the in forma pauperis application reveals that  
3 petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma  
4 pauperis is granted. See 28 U.S.C. § 1915(a).

5 Accordingly, petitioner is provided an opportunity to re-file the petition on this court's  
6 form bearing his signature. Failure to submit a signed amended petition will result in a  
7 recommendation that this action be dismissed.<sup>2</sup>

8 Good cause appearing, IT IS HEREBY ORDERED that:

- 9 1. Petitioner's motion to proceed in forma pauperis is granted;
- 10 2. Petitioner's application for writ of habeas corpus is dismissed with leave to amend  
11 within thirty days from the date of this order;<sup>3</sup>
- 12 3. Any amended petition must bear the case number assigned to this action, the case  
13 caption set forth above, and the title "Amended Petition"; and
- 14 4. The Clerk of the Court is directed to send petitioner the court's form application for  
15 writ of habeas corpus.

16 Dated: February 18, 2020

17   
18 KENDALL J. NEWMAN  
19 UNITED STATES MAGISTRATE JUDGE

20 /grif0304.r11

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22  
23 <sup>2</sup> Petitioner is cautioned that the habeas corpus statute imposes a one year statute of limitations  
24 for filing non-capital habeas corpus petitions in federal court. In most cases, the one year period  
25 will start to run on the date on which the state court judgment became final by the conclusion of  
26 direct review or the expiration of time for seeking direct review, although the statute of  
27 limitations is tolled while a properly filed application for state post-conviction or other collateral  
28 review is pending. 28 U.S.C. § 2244(d).

<sup>3</sup> By setting this deadline the court is making no finding or representation that the petition is not  
subject to dismissal as untimely. See 28 U.S.C. § 2244(d).